

REMARKS

A. Background

Claims 1-41 were pending, with claims 26-41 being canceled. The Office Action rejected (i) claims 1-25 under 35 U.S.C. §102 as being anticipated by cited art. By this response, Applicants amended claims 1, 20, 23, canceled claims 26-41, and added new claims 42-50. Accordingly, claims 1-25 and 42-50 are presented for the Examiner's reconsideration in light of the amendments and the following remarks.

B. Proposed Claim Amendments

Applicant amended claim 1, 20, and 23, with the amendment to claim 23 correcting the grammar of the dependent claim. Applicants respectfully submit that the amendments to the claims do not introduce new matter, and entry thereof is respectfully requested.

C. Rejections Under 35 U.S.C. §102

Claims 1-25 were rejected under 35 U.S.C. §102 as being anticipated by United States Patent No. 6,193,631, issued to Hickman (hereinafter "the Hickman patent"). Applicants respectfully traverse.

The Hickman patent discloses an apparatus for remote interactive exercise and health equipment. Specifically, the Hickman patent discloses a local system "that can provide feedback and encouragement to the user, i.e., can serve as a 'virtual personal trainer'" (Col. 2, lines 13-15). The local system includes "one or more health or fitness devices" and a computer (Col. 3, lines 64-67). The local system can communicate with a remote system that includes "a remote system computer 66 which is coupled to the telephone line 30 by a modem 68" (Col. 5, lines 54-56). A trainer uses the remote system to analyze workout data associated with a user of the exercise device located at the local system (Col. 11, lines 34-36). The results of the analysis can be used to generate exercise programs that are deliverable to the local system (Col. 6, lines 5-12).

Communicating with the remote system is a server system for "consolidation, storage, processing, and exchange of data" between numerous remote systems and/or peer level server systems (Col. 2, lines 51-55).

In contrast, independent claim 1 recites "a trainer module remote from and communicating with the user module so that a trainer at said trainer module can visually and audibly communicate with a user at the user module" and independent claim 20 recites "a second user module remote from and communicating with the first user module so that a user of the first user module may both visually and audibly communicate with a user of the second module." The Hickman patent neither teaches nor suggests that two users or a user and a trainer can communicate with each other "both visually and audibly."

Similarly, new independent claim 42 recites that both a first module and a second module are associated with exercise devices having a video camera and a microphone "so that a user at the first module visually and audibly communicate with another user at the second module." Again, the Hickman patent neither teaches nor suggests that two individuals can communicate with each other "both visually and audibly."

Similarly, new independent claim 46 recites that "a communication network . . . being capable of capable of facilitating delivery of at least one of said first video data and said first audio data from said first module to said communication module so that a user at said first module may visually and audibly communicates with another user in communication with said communication module." Again, the Hickman patent neither teaches nor suggests that two individuals can communicate with each other "both visually and audibly."

Applicants respectively submit that pending independent claims 1 and 20 and new independent claims 42 and 46, as amended and presented herein, are neither disclosed in the

Hickman patent nor obvious variations of the apparatus disclosed therein. Similarly, dependent claims 2-19, 21-25, and 43-45 and 47-50 include the limitations of independent claims 1, 20, 42, and 46 respectively. Accordingly, it is respectfully submitted that dependent claims 2-19, 21-25, 43-45, and 47-50 as amended and presented herein, are neither disclosed in the Hickman patent nor obvious variations of the apparatus disclosed therein. Consequently, claims 1-25 and 42-50, as amended and presented herein, overcome the rejections based on Section 102.

D. Summary and Conclusion

In view of the foregoing, Applicants respectfully request favorable reconsideration and allowance of the present claims. In the event that the Examiner finds any remaining impediment to the prompt issuance of the pending claims, which could be remedied through a telephonic conversation, or which is susceptible to being overcome by means of an Examiner's Amendment, the Examiner is respectfully invited to initiate the same with the undersigned attorney.

Dated this 29th day of April, 2004.

Respectfully submitted,



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